

REMARKS/ARGUMENTS

By this Amendment, Claims 1 - 5 and 7 - 17 are amended. Claims 1-17 are pending.

Claims 1, 9 and 10 were rejected as being anticipated by U.S. Patent No. 5,702,406 (Vilsmeier), while Claims 2 - 8 and 11 - 16 were rejected as being obvious over Vilsmeier.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 1 has been amended to call for a patient restraint member for use in medical procedures having the following features: (1) an integral, single layer sheet of thermoplastic material that can be softened upon heating so as to be formable into a shape corresponding to a patient's body part to be restrained and setting upon cooling to retain the shape, (2) the sheet having a perimeter edge lying in a common plane, (3) spaced apart groups of perforations in the sheet, (4) non-perforated solid bands extending between the groups of perforations, and (5) a generally planar U-shaped frame arranged to be attached to and extending around a portion of the perimeter edge of the sheet and being coplanar with the perimeter edge. These combined features are not shown nor suggested in the Vilsmeier reference.

With respect to the non-perforated band issue, as stated in the office action "The drawing must be evaluated for what they [sic] reasonably disclose and suggest to one of ordinary skill in the art. It is respectfully submitted that the drawing of Vilsmeier does not reasonably disclose or suggest bands of non-perforated areas. Rather anyone skilled in the art viewing Vilsmeier would conclude that the mask of Vilsmeier is perforated throughout. The appearance of what the examiner considers

to be non-perforated bands is respectfully submitted to be the result of the patent draftsman using a drawing convention of not showing all of the perforations in the device for drawing expediency. This should be evident when one studies the drawing carefully, since the perforations shown in the drawing are not symmetrical, e.g., if one looks carefully at the drawing it can be seen that a few perforations which are on one side of the device are not on the other side.

Moreover, and quite significantly, the Vilsmeier reference discloses a multilayer device, whereas the subject invention as set forth in amended Claim 1 is a single layer device, i.e., an integral, single layer sheet of thermoplastic material. Further still, Vilsmeier's patent fails to disclose a generally planar U-shaped frame arranged to be attached to and extending around a portion of the perimeter edge of the sheet and being coplanar with the perimeter edge of the sheet. This latter feature as well as the feature of the integral, single layer sheet provides a device which is considerably simpler in construction than the prior art, yet which provides all of the functionality, e.g., rigidity, required for a patient restraint system.

Accordingly, it is respectfully submitted that Claim 1 is patentable over Vilsmeier.

Claims 2 - 9 depend either directly or indirectly upon Claim 1 and are hence respectfully submitted to be patentable for reasons similar thereto. Claims 2 - 5 and 7 - 9 have also been amended in the interest of clarity and consistency with Claim 1 from which they depend.

Claim 10 is an independent claim, which has been amended in a similar manner to Claim 1. Hence for the same basic reasons as given with respect to Claim 1, it is respectfully submitted that Claim 10 is patentable over Vilsmeier.

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Claims 11 - 17 depend either directly or indirectly upon Claim 1 and are hence respectfully submitted to be patentable for reasons similar thereto. Those claims have also been amended in the interest of clarity and consistency with Claim 10 from which they depend.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

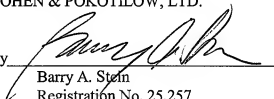
Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
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